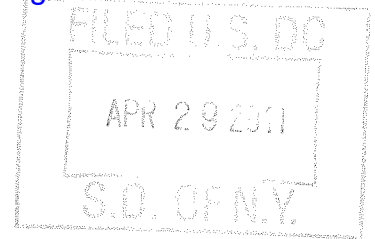


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



JOHN OUGHTRED, Individually and on behalf)
of all others similarly situated,)

Plaintiff,)

vs.)

E*TRADE FINANCIAL CORPORATION, et al.)

Defendants.)

NOTICE OF APPEAL

Civil Action No. 08-CV-3295 (SHS)
(ECF Case)

Notice is hereby given that Plaintiffs Roger Bresnahan and Srinivasan Murari, individually and on behalf of all others similarly situated, hereby appeal to the United States Court of Appeals for the Second Circuit from the Court's Final Judgment (Doc. 66) entered in this action on March 31, 2011, pursuant to this Court's March 31, 2011, Opinion and Order (Doc. 64) granting Defendants' Motion to Dismiss in its entirety.

Pursuant to Local Rule 83.8, the parties (and the names and addresses of their respective attorneys) include:

Plaintiffs

Roger Bresnahan and Srinivasan Murari
Represented by:
Norman E. Siegel (*pro hac vice*)
Rachel E. Schwartz (*pro hac vice*)
STUEVE SIEGEL HANSON LLP
460 Nichols Road, Suite 200
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Defendants

E*Trade Financial Corporation and
E*Trade Securities LLC
Represented by:
Joshua S. Sohn
DLA PIPER LLP (US)
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New York, NY 10020
Telephone: (212) 335-4500
Facsimile: (212) 335-4501

Date: April 29, 2011

Respectfully submitted,



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LEAD COUNSEL FOR PLAINTIFFS

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
JOHN W. OUGHTRED, Individually and on
Behalf of All Others Similarly Situated,
Plaintiff,

08 CIVIL 3295 (SHS)

-against-

JUDGMENT

E*TRADE FINANCIAL CORPORATION &
E*TRADE SECURITIES LLC,
Defendants.
-----X

Defendants having moved to dismiss the complaint, and the matter having come before the Honorable Sidney H. Stein, United States District Judge, and the Court, on March 31, 2011, having rendered its Opinion and Order granting defendants' motion in its entirety, and dismissing the second amended complaint with prejudice, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion and Order dated March 31, 2011, defendants' motion to dismiss is granted, and the second amended complaint is dismissed with prejudice.

Dated: New York, New York
March 31, 2011

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk

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ON THE DOCKET ON _____